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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DANIEL T. LASCHOVER,

Case No.: 3:22-cv-01373-IM

Plaintiff,

v.

DEFENDANTS' UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO
RESPOND TO THE COMPLAINT

MIGUEL A. CARDONA, et al.

Defendants.

LOCAL RULE 7-1 CERTIFICATION

Pursuant to Local Rule 7-1, the undersigned certifies that counsel for Defendants has conferred with Plaintiff, appearing *pro se*, and he does not object to an extension of Defendants' time to respond to the Complaint.

MOTION

Defendants respectfully request that the Court extend their November 21, 2022 deadline to respond to Plaintiff's Complaint by 30 days to December 21, 2022. Good cause exists to grant this motion, as set forth below.

1. Plaintiff filed his Complaint on September 12, 2022, challenging the Secretary of Education's targeted student loan forgiveness plan. ECF No. 1.

2. Plaintiff served the US Attorney for the District of Oregon on September 21, 2022, and Defendants' response to the Complaint is currently due November 21, 2022. *See* Fed. R. Civ. P. 12(a)(2).

3. The student loan program challenged in this lawsuit has been enjoined and vacated on a nationwide basis since November 11, 2022. *See Nebraska, et al. v. Joseph Biden Jr., et al.*, No. 22-3179 (8th Cir. Nov. 14, 2022) (granting Plaintiffs' Motion for an emergency injunction pending appeal); *Brown, et al. v. U.S. Dep't of Education, et al.*, Civ. A. No. 22-908 (N.D. Tex. Nov. 11, 2022), ECF Nos. 37 & 38 (entering summary judgment for Plaintiffs and vacating the program).

4. The United States appealed the district court's decision in *Brown* on November 11, 2022, *Brown*, ECF No. 39, and moved for a stay of the district court's judgment pending appeal on November 15, 2022, *Brown*, ECF No. 40. That motion remains pending at this time.

5. The extension requested in this motion would promote efficiency and judicial economy because it would enable the parties to monitor appellate proceedings in both cases, which are likely to impact the course of this litigation moving forward, and determine appropriate next steps. And the extension would not prejudice Plaintiff because the agency

action challenged in this lawsuit is currently enjoined and vacated. That action will have no impact on Plaintiff so long as the orders in *Brown* and *Nebraska* remain in effect.

6. For the foregoing reasons, Defendants respectfully request that the Court enter an order extending their deadline to respond to the Complaint by 30 days, until December 21, 2022.

Dated: November 17, 2022

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MARCIA BERMAN
Assistant Branch Director

/s/ Samuel Rebo
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically serve a copy to all counsel of record; I also sent the foregoing to Plaintiff by electronic mail at the following address: LVC_complaint@outlook.com.

/s/ Samuel Rebo
SAMUEL REBO